**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Cr.Misc. No.9597 of 2008**
**DILIP KUMAR YADAV**
**Versus**
**STATE OF BIHAR**
**----------**

3. 22.7.2008. Heard learned counsel for the petitioner who is in custody in connection with Laukaha(Khutauna) P.S. Case No.202 of 2007 registered under Sections 395/412 I.P.C. as also the learned A.P.P. for the State.

The allegation against the petitioner is that he had participated in the looting away of the vehicle bearing Registration No.ML-09-3264 belonging to Rajesh Jha and the case was registered on the basis of the fardbeyan given by Md. Sayeed, the driver of the vehicle.

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It has been submitted on behalf of the petitioner that he is not named in the F.I.R. and his name cropped up in course of investigation on the basis of the confessional statement of co-accused, Arun Kumar Yadav and on the arrest of the petitioner his confessional statement was recorded by the police under threat and coercion.

It appears from perusal of the impugned order dated 15.2.2008 passed in B.P. No.38 of 2008 by the learned 1st Additional Sessions Judge that apart from the confessional statement of Arun Kumar Yadav and the petitioner himself several others have also confessed regarding their involvement in the alleged occurrence and it would appear from paragraph 38 of the case diary that motorcycle bearing No.BR-32C-2848 belonging to the petitioner which was used in the occurrence had also been recovered. Specific reference has

been made to paragraphs-27, 29, 32, 33, 36, 40, 44 and 122 of the case diary which clearly indicates that the petitioner as also the co-accused are involved in an unauthorized sale and purchase of looted vehicles.

In that view of the matter, the specious submission advanced by the learned counsel for the petitioner that since sale amount for the vehicle had not been paid, the vehicle had been taken by the owner does not hold good more so when the non-payment of consideration amount did not entitle the petitioner and other co-accused to forcibly take away the vehicle.

Due regard being had to the facts and the circumstances of the case, I am not inclined to grant bail to the petitioner. His prayer for bail is accordingly rejected.

**(Abhijit Sinha,J)**

**P.S.**

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